

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

Rodney J. Ireland, et al.,

Plaintiffs,

-vs-

Maggie D. Anderson, Executive
Director, North Dakota Department of
Human Services, in her official capacity,
et al.,

Defendants.

Case No. 3:13-cv-03

**ORDER ADOPTING REPORT AND
RECOMMENDATION
(DOC. #394)**

On August 29, 2016, the court received a Report and Recommendation from the Honorable Alice R. Senechal, United States Magistrate Judge, pursuant to 28 U.S.C. § 636, recommending denial of class certification as to one proposed class and granting class certification as to the other proposed classes and subclasses.¹ In addition, the court received a supplement to the Report and Recommendation.² The defendants filed objections to the Report and Recommendation, asserting that the plaintiffs cannot satisfy the requirements of Fed.R.Civ. P. 23.³ The defendants further contend that certification of the small classes is unnecessary because the relief requested, if successful, will be identical regardless of whether or not a class action is maintained. The plaintiffs filed a response to the objections.⁴

A *de novo* review of the record and applicable case law demonstrates that class

¹ Doc. #394.

² Doc. #399.

³ Doc. #401.

⁴ Doc. #406.

certification is appropriate. The court hereby adopts the magistrate judge's Report and Recommendation in its entirety. The court finds that the requirements of Fed.R.Civ.P. 23 have been met as to the SOTEP Class and subclasses, the Evaluation Class, and the Debt Class. The law firms of Brancart & Brancart and the Fremstad Law Firm are appointed as class counsel for the classes and subclasses. The plaintiffs' proposed individuals are appointed as representatives of the classes and subclasses, with the addition of Garrett Loy as an additional representative of the Evaluation Class. The claims of the classes and subclasses are preliminarily defined to those set forth in the magistrate judge's Report and Recommendation. The plaintiffs' motion to certify the proposed DOCR class is denied.

The plaintiffs' motion for class certification is granted in part and denied in part.

IT IS SO ORDERED.

Dated this 21st day of March, 2017.

/s/ Ralph R. Erickson
Ralph R. Erickson, District Judge
United States District Court